

season. Because harvesting the flu vaccine currently takes at least six months and requires tens of thousands of fertilized eggs susceptible to contamination, this process must begin nearly a year before the flu season begins.

Research should be focused on developing new technologies to allow us to produce more vaccine—in the same season—when we encounter a shortage. A company in Connecticut is developing a flu vaccine relying on cell lines from silk moths. This type of innovative research promises to shave at least one month off of production time and significantly reduce cost.

My bill includes a sense of the Senate on the importance of allocating a greater percentage of the National Institutes of Health, NIH, research dollars to developing new technology in flu vaccine production. The encouragement of safer and faster flu vaccine production technology is a prudent use of existing Federal research dollars through the National Institutes of Health.

Furthermore, my bill removes the suffocating price controls that have discouraged companies from producing the flu vaccine. The Vaccines For Children program, VFC, enacted under the Clinton administration, imposed a price cap on all vaccines purchased through Federal contracts. From a shortsighted perspective, these regulated prices may expand access to vaccines. However, in the long run this policy devastates the vaccine production industry and decreases the availability of vaccines. This occurred in 1998 when manufacturers of tetanus diphtheria vaccine refused to bid on Government contracts. Consequently, this vaccine is no longer available to children through the VFC program.

Similarly, the CDC purchased nearly 12 percent of the flu vaccine this season, and significant quantities were purchased through the Department of Defense, the Veteran's Administration and Medicare. The price controls imposed from Federal government purchasing create a high-risk, low-reward business market. Price controls destroy any profit incentive. Manufacturers avoid this artificial environment and will continue to as long as the government over steps its bounds.

The harmful effect of government price controls is especially pronounced in the flu vaccine market because the vaccine has a single-season shelf life. The difficulty of predicting the demand for vaccines each year exposes companies great risk. A slight drop in demand can force them out of the market. Financial losses—from 7 million extra doses in 2002 and 4.5 million extra in 2003—compelled Wyeth Pharmaceutical Company to end its flu vaccine manufacturing.

In addition to lifting price controls, the government can loosen its grip on the flu vaccine market by reforming its complicated tax code. Fortunately, the JOBS bill made headway in simplifying

the current United States international tax rules. To further offset the heavy penalties within the United States tax code, my bill gives a tax credit to companies, new and old, that construct facilities to manufacture flu vaccine.

Currently, ten American companies produce the 47 FDA-approved vaccines. An investment tax credit will encourage these existing companies to expand their production to cover the flu vaccine and will invite start-up companies to join the industry. This will better equip the United States market to prevent and deal with a shortage in the future.

Scientific experts consider vaccination to be the most effective medical intervention, and we live in an age of unprecedented vaccine development and implementation. We cannot continue to overregulate the flu vaccine industry and hope companies will hang on and produce vaccines regardless of profit. The current national flu vaccine shortage reveals the need to act.

My bill would steer NIH research dollars towards cutting-edge technology, remove suffocating price controls, and free American companies to enter the flu vaccine industry with an investment tax credit. I urge my colleagues to stand with me in supporting this vital legislation.

By Mr. INHOFE:

S. 2998. A bill to promote the development of the emerging commercial human space flight industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE LAUNCH ACT

Mr. INHOFE. Mr. President, I want to introduce two bills today. One of them is about a program nobody seems to know about. That is the space launch program. I don't know whether it is in the State of Texas or where they are doing this. But in Oklahoma, in Burns Flat, we have been very active in trying to get the Commercial Space Launch Program going. This is an opportunity for people to go into sub-orbital launch vehicles using a hybrid technology of a combination rocket injection engine. We are doing this. There have been several of them so far.

I have been a commercial pilot now for almost 50 years—47 years, I guess. I have a natural interest in this. I have had occasion to fly an airplane around the world. I have watched it from all levels.

I see the excitement in people's faces saying, I can fly in space.

We have this program which nobody knows about. It is a program that will allow people to get into things such as a Learjet that has a rocket on that will actually launch them, take them up and give them the experience of travel in space.

There have been some problems with this, however. There are some problems

with people being able to do this with the company putting these programs together incurring responsibilities and liabilities.

It is very similar to the program we have been concerned with in the oil industry to try to expand it and keep people from being able to have frivolous lawsuits. That is what we are up against here.

We have introduced a bill that is designed to allow participation in this emerging space launching activity for a greater number of people.

The FAA will now have sole regulation authority for the suborbital hybrid vehicles. It will be appropriately considered. We are not taking any risk here. This is just to allow the private sector to enjoy this type of thing.

I will be introducing today S. 2998 with the idea of making this a reality and giving this privilege to a lot of people and allowing us to develop technology.

It is interesting. A lot of people go to an event every year in Oshkosh, WI. I have gone for 27 consecutive years. We go up there to see all of the new technology, what people are putting together in their experimental aircraft, airplanes they are making in their garages and basements. A lot of technology we are now using in the space program was actually started right there in someone's garage. That is essentially what we want to get at with the Commercial Space Launch Act we introduce today.

By Mr. TALENT:

S. 3001. A bill entitled the "Hybrid HOV Access Act"; to the Committee on Environment and Public Works.

Mr. TALENT. Mr. President, I am pleased to be introducing this bill, which will allow more owners of hybrid electric vehicles, or HEVs, to have access to HOV lanes on Federal highways. For all of us who have a desire to lessen our dependence on foreign oil and encourage the use of renewable energy, this bill represents a step forward towards achieving those goals.

The language that is currently in the highway bills passed by the House and the Senate allows hybrid vehicles that achieve a 45 mile-per-gallon fuel economy highway rating to use HOV lanes. Any hybrid that achieves that kind of fuel economy certainly deserves to get that status, because it is a very impressive fuel economy rating and represents a substantial improvement over non-hybrid vehicles. What the 45 mile-per-gallon standard fails to take into account, however, is that many larger hybrid vehicles achieve a much larger fuel economy improvement over their internal combustion engine counterparts, and thus save more energy, than smaller vehicles which manage to meet the standard but are a less drastic improvement over their non-hybrid counterparts.

To illustrate this, take the 2005 model Honda Civic HEV, which gets just over 45 miles-per-gallon. This represents less than a 40 percent improvement over the comparable internal

combustion model. The 2005 Ford Escape HEV, on the other hand, is a truck, so it gets fewer miles per gallon than a Civic, between 35 and 40. However, this is a 75 percent improvement over its internal combustion engine counterpart, and in addition, the Escape HEV emits 3-4 tons fewer greenhouse gases every year than the non-hybrid.

There is no reason to discriminate against these larger, American-made hybrids like the Ford Escape. They are truly engineering marvels and are so clearly beneficial for the environment. The bill that I have sponsored will give states the discretion to open up their HOV lanes to hybrid vehicles that achieve a substantial increase in fuel economy relative to comparable gasoline vehicles, or achieve a substantial increase in lifetime fuel savings relative to comparable gasoline vehicles. It creates a minimum standard of improvement necessary for hybrids, but gives states the option of increasing the requirements. This bill also allows states to open HOV lanes to single occupancy advanced lean burn vehicles that achieve at least a 25 percent increase in fuel economy relative to comparable gasoline vehicles and that are certified to Clean Air Act Tier 2 standards.

I am hopeful that my colleagues on both sides of the aisle can agree that we should do all we can to encourage the use of renewable energy in our country, and hybrid vehicles are an important part of that. The people who drive these vehicles are doing their part to help clean up the air and increase energy conservation, and we should give more people an incentive to buy these vehicles by giving them access to HOV lanes. Thank you, Mr. President.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3003. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce the Southern Nevada Limited Transition Area Act, which enhances the ability of a rapidly growing community to diversify its economy, gainfully employ its residents, and achieve fiscal sustainability.

The bill I am introducing today would convey 547 acres of land from the Bureau of Land Management to the city of Henderson, NV, for development as an employment and business center.

BLM has designated this parcel for disposal because of its urban surroundings and its isolation from other public land, which renders it difficult for the agency to manage.

The parcel is located in a rapidly growing area of the city, but is impacted by aircraft noise and overflights from the nearby Henderson Executive

Airport that make it unsuitable for residential use.

But rather than cringing from these impediments, the city of Henderson sees opportunity. The city's land-use planning department envisions a business center that provides diverse employment opportunities for the region, while helping to pay for public infrastructure in nearby residential areas.

This bill establishes the conditions to make that vision come true.

The bill would convey the land to the city by patent. The city would then subdivide and sell lots at fair market value. As in previous conveyances of Federal land designated in the Southern Nevada Public Lands Management Act for disposal, 85 percent of the proceeds from sales would return to the BLM's Special Account for acquiring environmentally sensitive land. Five percent of the proceeds would fund the State of Nevada's general education program. And the city of Henderson could use the remaining 10 percent to cover expenses associated with subdividing the property and providing infrastructure.

Henderson, NV, is a new and rapidly growing city. Its leaders are dedicated to making the city a national model of logical development, diversified employment, and fiscal sustainability. This bill establishes the conditions needed to realize that vision.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Limited Transition Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Henderson, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SPECIAL ACCOUNT.—The term "Special Account" means the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(4) STATE.—The term "State" means the State of Nevada.

(5) TRANSITION AREA.—The term "Transition Area" means the approximately 547 acres of Federal land located in Henderson, Nevada, and identified as "Limited Transition Area" on the map entitled "Southern Nevada Limited Transition Area Act" and dated November 16, 2004.

SEC. 3. SOUTHERN NEVADA LIMITED TRANSITION AREA.

(a) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(b) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(1) IN GENERAL.—After the conveyance to the City under subsection (a), the City may sell any portion or portions of the Transition Area for purposes of nonresidential development.

(2) METHOD OF SALE.—The sale of land under paragraph (1) shall be—

(A) through a competitive bidding process; and

(B) for not less than fair market value.

(3) COMPLIANCE WITH CHARTER.—Except as provided in paragraphs (2) and (4), the City may sell parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(4) DISPOSITION OF PROCEEDS.—Of the gross proceeds from the sale of land under paragraph (1), the City shall—

(A) deposit 85 percent in the Special Account;

(B) retain 10 percent as compensation for the costs incurred by the City—

(i) in carrying out land sales under paragraph (1); and

(ii) for the provision of public infrastructure to serve the Transition Area, including planning, engineering, surveying, and subdividing the Transition Area for nonresidential development; and

(C) pay 5 percent to the State for use in the general education program of the State.

(c) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(d) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(1) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(2) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(e) REVERSION.—

(1) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this Act or reserved for recreation or other public purposes under subsection (c) within 20 years after the date of the enactment of this Act, the parcel of land shall, if determined to be appropriate by the Secretary, revert to the United States.

(2) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this section—

(A) at the election of the Secretary, the parcel shall revert to the United States; or

(B) if the Secretary does not make an election under paragraph (1), the City shall sell the parcel of land in accordance with subsection (b)(2).

By Mr. ROCKEFELLER:

S. 3004. A bill to amend chapter 99 of the Internal Revenue Code of 1986 to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation to make very clear that Congress fully protected the health insurance benefits

of miners and their families when we passed the Coal Act in 1992. Unfortunately, we have recently seen bankruptcy courts disregard the Coal Act and absolve companies of their obligations to provide health benefits for workers and retirees. This is unacceptable. And the bill I am introducing today reiterates that the bankruptcy code does not supercede the Coal Act.

This year another company has abandoned promises it made to workers and retirees in West Virginia. Horizon Natural Resources sought and received a court ruling that releases it from its contracts with union miners and allows it to avoid honoring health care benefit obligations for over 2,300 retired miners. This is a morally bankrupt corporate strategy, and is inconsistent with the Coal Act passed by Congress in 1992.

The Coal Act was needed in 1992 to prevent some companies from walking away from their clear contractual obligations and agreements with their workers. One of the provisions of that bill was written especially with the intent of not allowing companies to simply reorganize as a way to get out of their obligations to their workers. Unfortunately, too many companies are increasingly using bankruptcy courts to achieve the same results.

It should not be necessary for me to introduce this bill today. Congress has already spoken on this subject. The law is clear: Coal Act retirees are entitled to full benefits provided under the statute. No judge should rewrite the law to take those benefits away. However, because judges are legislating from the bench, it will be helpful for Congress to reiterate our intention to protect the health benefits of coal miners and their families.

I recognize that the 108th Congress is coming to a close. But I am introducing this legislation today because this issue is extremely important to all of those who are being victimized by the bankruptcy courts. I hope that early next year my colleagues will join me in this effort to protect the miners, retired miners, and families who are simply seeking the benefits they were promised in exchange for years of hard work.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. LEVIN, Mr. CRAPO, Mr. JEFFORDS, and Mr. ROCKEFELLER):

S. 3005. A bill to allow State Homeland Security Program grant funds to be used to pay costs associated with the attendance of part-time and volunteer first responders at terrorism response courses approved by the Office for State and Local Government Coordination and Preparedness; to the Committee on Governmental Affairs.

Ms. STABENOW. Mr. President, I rise to introduce the Stabenow-Craig Rural and Part-time Firefighter Training Fairness Act. This bill would ensure that our part-time and rural firefighters are not being treated as second

class citizens. I want to thank Senator CRAIG for his hard work on this very important issue, and Senators LEVIN, CRAPO, ROCKEFELLER, and JEFFORDS for their support of this bill.

Mr. President, many part-time and volunteer firefighters in rural and small communities across the country are not attending Office of Domestic Preparedness-approved terrorism response training courses because Federal guidelines do not allow them to be reimbursed for the time they are away from their full-time jobs. Our bill would simply direct the ODP to allow part-time and volunteer first responders, to receive a reasonable stipend when they participate in ODP-approved terrorism response courses.

The Federal Government should not penalize rural and small communities and their firefighters from receiving training necessary to respond to a terrorist attack. In several counties in northern lower Michigan, State Homeland Security Grant funds sit unused because their fire departments are composed entirely of volunteer or part-time firefighters. Last year, the State of Michigan set aside \$9 million in Homeland Security grants to prepare firefighters, including ODP training courses, to respond to terrorist incidents. However, this grant money is being underutilized since 72 percent of the firefighters in Michigan are volunteer or part-time and are not attending terrorism response training sessions.

All firefighters need the capability to respond to all types of emergencies. When Americans call 9-1-1, the fire department doesn't send only their full-time firefighters, they send everyone regardless of their status. Most part-time firefighters in rural areas hold full-time jobs in addition to serving and protecting their communities. It is unreasonable to expect them to take leave from their regular jobs, and forgo their pay from their full-time jobs, to attend terrorism response training courses that include incident command, civil action management, and radiological response.

Mr. President, many of our small, rural communities face the same homeland security challenges as larger cities with more resources. For example, Michigan has a long international border with Canada, and many of these small and rural border communities rely on part-time and volunteer firefighters. These responders must be capable of protecting these borders against the same terrorist threats that urban areas face. When there is an accident in the future and, God forbid, if there is a terrorist attack, we're not going to send only full-time firefighters to save people's lives.

This bill was included as a bipartisan amendment to the Senate version of the fiscal year 2005 Department of Homeland Security Appropriations bill, but was removed by the House Republican leadership in conference. This issue is too important for Congress to ignore, and I am going to keep fighting

until our volunteer and part-time firefighters are treated fairly and receive the terrorism response training they need.

Mr. President, I'm pleased to note that the change in Federal guidelines this bill requires will not cost the Government any funding. It will not affect the distribution of State Homeland Security grants. It will just enable communities that have been awarded these grants to use them to pay their firefighters a reasonable stipend when they leave their full-time jobs and attend these terrorism response course. This is a matter of fairness to ensure that those that we rely on to respond to emergencies have the training they need.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural and Part-time Firefighter Training Fairness Act".

SEC. 2. STATE AND LOCAL PROGRAMS.

Notwithstanding any other provision of law, funds appropriated to the Office of State and Local Government Coordination and Preparedness for grants to States and local governments may be used by such States and local governments to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 470—HONORING THE LIFE OF ASTRONAUT LEROY GORDON COOPER, JR.

Mr. INHOFE submitted the following resolution; which was considered and agreed to:

S. RES. 470

Whereas Leroy Gordon Cooper, Jr., was born on March 6, 1927, in Shawnee, Oklahoma;

Whereas Gordon Cooper served as a colonel in the United States Air Force and was selected as one of the original Project Mercury astronauts in April of 1959;

Whereas the 7 original Project Mercury astronauts helped to inspire generations of scientists and engineers;

Whereas, when Gordon Cooper piloted the Faith 7 spacecraft on the final operational mission of Project Mercury from May 15 to May 16, 1963, he traveled a total of 546,167 statute miles and became the first astronaut from the United States to spend more than a day in space;

Whereas, when Gordon Cooper served as command pilot on the 8-day 120-orbit Gemini 5 mission that began on August 21, 1965, he and pilot Charles Conrad established a new